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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/738251

Attorney Docket: DP-303833

Filing Date: 12/15/2000

Group Art Unit: 1764

Applicant: Hardesty et al.

Examiner: Tran, Hien Thi

Title: EXHAUST MANIFOLD WITH CATALYTIC
CONVERTER

MS Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PROVISIONAL ELECTION

Sir:

This is in response to the Office Action mailed March 10, 2004, imposing a Restriction Requirement between:

Group I, claims 1-8, directed to a catalytic converter subassembly; and

Group II, claims 9-22, directed to a method for manufacturing a catalytic converter subassembly.

In response to the Restriction Requirement, Applicant provisionally elects to prosecute Group I, claims 1-8. Nevertheless, Applicants respectfully traverse the requirement.

The Group I claims call for a catalytic converter subassembly wherein the outlet of the exhaust manifold is secured to an opening of a shell. Group II claims are drawn to methods of

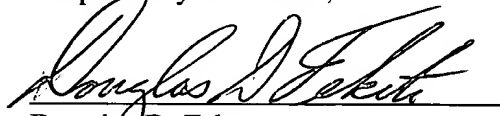
manufacturing wherein the outlet of the exhaust manifold is secured to an opening of a shell. Thus, it is apparent that the claims within the Groups truly represent different aspects of but a single invention. Prior art showing the catalytic converter subassembly should properly be considered regardless of where such art is found within the classification scheme of the Patent Office, i.e., even though found amongst the art relating to the method of its manufacture.

Efficiency, both on the part of Applicants, and also on the part of the Patent Office, mandates that art related to both the catalytic converter subassembly and the method of its manufacture be considered in the examination of both groups of claims. Moreover, the Restriction Requirement unduly burdens Applicants by requiring them to file and prosecute multiple applications, and pay fees and maintain multiple patents, to obtain the patent protection to which they are entitled.

Therefore, it is respectfully requested that the Restriction Requirement be withdrawn, and that all claims of Group I and Group II be considered in the present application.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,



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